

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW LINDSAY,

Plaintiff,

v.

NORTH ATLANTIC TREATY
ORGANIZATION,

Defendant.

CASE NO. C23-0546-KKE

ORDER TO SHOW CAUSE

This matter came before the Court sua sponte. On April 7, 2023, Matthew Lindsay filed a complaint against the North Atlantic Treaty Organization (“NATO”) alleging violations of 22 U.S.C. §§ 2767, 2403. Dkt. No. 1. Mr. Lindsay alleges NATO is a business incorporated in Virginia. *Id.* at 4. On April 12, 2023, Mr. Lindsay filed an Affidavit of Service stating he mailed the complaint and certificate of service by U.S.P.S. to “N.A.T.O; 7857 Blandy Road, Suite 100; Northfolk, VA, 23551.” Dkt. No. 4.

Federal Rule of Civil Procedure 4 provides two methods of service on a corporate entity. It is critical that a plaintiff strictly comply with these procedures. *See Omni Cap. Int’l, Ltd. v. Rudolf Wolff & Co., Ltd.*, 484 U.S. 97, 104 (1987) (“Before a federal court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be

1 satisfied.”). First, a plaintiff may deliver a copy of the summons and complaint “to an officer, a
2 managing or general agent, or any other agent authorized by appointment or by law to receive
3 service of process[.]” Fed. R. Civ. P. 4(h)(1)(B). Mr. Lindsay did not identify any individual
4 authorized to receive service of process in his affidavit of service. Further, Federal Rule of Civil
5 Procedure 4(h) requires “[w]hen serving a corporation . . . ‘personal service on someone at the
6 corporation, and service by mail to a general corporate address is not sufficient.’” *Atanda v.*
7 *Norgren (IMI Precision Eng’g)*, No. C20-0796-JCC, 2021 WL 2805322, at *2 (W.D. Wash. July
8 6, 2021) (quoting *Belle v. Chase Home Fin. LLC*, 2007 WL 1518341, at *3 (S.D. Cal. 2007)).

9 In the alternative, a plaintiff may follow “state law for serving a summons in an action
10 brought in courts of general jurisdiction in the state where the district court is located or where
11 service is made[.]” See Fed. R. Civ. P. 4(e)(1), (h)(1)(A). The two states relevant in this case are
12 Washington, where the district court is located, and Virginia, where Williams attempted service.
13 Fed. R. Civ. P. 4(e)(1). Mr. Lindsay’s attempted service is insufficient under Washington and
14 Virginia state law for the same reason it failed under Federal law. See Wash. Rev. Code §
15 4.28.080(9) (requiring personal service on an authorized individual). Va. Code Ann. § 8.01-
16 299(1)(2023) (same).

17 Because Mr. Lindsay has failed to provide valid proof of service, the Court ORDERS Mr.
18 Lindsay to show cause that he has properly served Defendant by October 27, 2023. Failure to
19 timely respond may result in dismissal without prejudice.

20 Dated this 27th day of September, 2023.

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23 Kymberly K. Evanson
24 United States District Judge